

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRYAN FRITZ, #525550,

Petitioner,

v.

CASE NO. 09-CV-11215
HONORABLE GEORGE CARAM STEEH

CINDI CURTAIN,

Respondent.

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**OPINION AND ORDER DISMISSING WITHOUT PREJUDICE
THE PETITION FOR WRIT OF HABEAS CORPUS**

The Court has before it Bryan Fritz' *pro se* petition for writ of habeas corpus. Petitioner is a state prisoner currently confined at the Oaks Correctional Facility in Manistee, Michigan. Petitioner did not pay the required filing fee when he filed his petition, nor did he submit an application to proceed *in forma pauperis*. See 28 U.S.C. § 1914(a); 28 U.S.C. § 1915; Rule 3 of the Rules Governing § 2254 Cases. The Court, therefore, issued an Order to Correct Deficiency on April 3, 2009 requiring Petitioner to either pay the filing fee or submit a properly completed *in forma pauperis* application. The order provided that if Petitioner did not submit the fee or requested information within 21 days, his case would be dismissed.

The time for submitting the filing fee or required information has elapsed and Petitioner has failed to correct the deficiency. Accordingly, the Court **DISMISSES WITHOUT PREJUDICE** the petition for writ of habeas corpus. Petitioner may submit a new habeas

petition with payment of the filing fee or an *in forma pauperis* application. The Court makes no determination as to the merits of Petitioner's claims.

IT IS SO ORDERED.

Dated: May 11, 2009

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
May 11, 2009, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk